

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

KATHERINE LYNN GELBRICH,

Plaintiff,

v.

ACTION NO. 4:13cv54

CAROLYN W. COLVIN,
Acting Commissioner of the
Social Security Administration,
Defendant.

FINAL ORDER

The Plaintiff brought this action under 42 U.S.C. § 405(g) seeking judicial review of the decision of the Commissioner of the Social Security Administration ("Commissioner") denying the Plaintiff's claim for a period of disability and disability insurance benefits ("DIB"), under Title II of the Social Security Act.

On July 12, 2013, the matter was referred to United States Magistrate Judge Tommy E. Miller, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Federal Rule of Civil Procedure 72(b), and Local Civil Rule 72, to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of this matter. The Plaintiff filed a Motion for Summary Judgment and Memorandum in

Support on August 26, 2013, and the Defendant filed a Motion for Summary Judgment and Memorandum in Support on September 25, 2013. The United States Magistrate Judge's Report and Recommendation was filed on March 31, 2014. The Magistrate Judge recommended denying the Plaintiff's Motion for Summary Judgment, granting the Defendant's Motion for Summary Judgment, and affirming the Commissioner's decision. By copy of the Report and Recommendation of the Magistrate Judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the Magistrate Judge's Report and Recommendation, and the time for filing the same has expired.

The court does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed on March 31, 2014. Accordingly, the Plaintiff's Motion for Summary Judgment is **DENIED**, the Defendant's Motion for Summary Judgment is **GRANTED**, and the Commissioner's decision is **AFFIRMED**. The Clerk is **DIRECTED** to enter judgment for the Defendant. Further, the Clerk shall forward a copy of this Final Order to counsel for the parties.

IT IS SO ORDERED.

April 30, 2014

/s/

Rebecca Beach Smith
Chief
United States District Judge